

REMARKS

Claims 1-24 remain pending in the application. Claims 23 and 24 have been newly added for consideration.

Reconsideration of the rejections and allowance of the pending application in view of the foregoing amendments and following remarks are respectfully requested.

In the Office Action of November 15, 2005, claim 18 is rejected under 35U.S.C.102(b) as being clearly anticipated by Yamaguchi et al., U.S. Patent No. 4,988,300. This rejection is respectfully traversed.

Independent claim 18 has been amended to more clearly distinguish over the applied prior art references by further reciting an expandable and contractible member provided on a seating surface of said seat, and a mechanism that repeatedly expands and contracts said expandable and contractible member. No new matter is introduced by the present amendment. In this regard, the Examiner's attention is directed to, inter alia, original claim 19 of Applicants' application.

The Yamaguchi reference does not disclose an expandable and contractible member that is repeatedly expanded and contracted during operation of the drive mechanism to provide compound motion to the seat, as recited in amended claim 18, and thus, Yamaguchi does not disclose all the limitations recited in amended claim 18. Therefore, Yamaguchi does not anticipate the disclosed embodiment recited in claim 18.

In the Office Action claims 1-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi in view of Friedson, U.S. Patent No. 6,332,307.

Independent claim 1 has also been amended to recite a mechanism that repeatedly expands and contracts said expandable and contractible member, which is a somewhat different expression of the above-noted features of claim 18.

In the Office Action the Examiner cites to element 26 of Friedson as purportedly disclosing the aforementioned feature. However, the most Friedson discloses is a valved opening 26 for selectively controlling the passage of fluid to inflate a panel to a selected size (Col. 4, line 64 through Col. 5, line 4). There is no disclosure of the expansion and contraction of the member (or moving device, as claimed in 18) taking place during operation of a drive mechanism, or of repeated expansion and contraction of the member (or moving device).

Further, Yamaguchi is relevant to a balance practicing machine, whereas the device of Friedson is relevant to a saddle for actual horse back riding. Thus, Yamaguchi and Friedson appear to be non-analogous art. Therefore, the Examiner has not presented sufficient motivation for the proposed modification, and the only reason to combine the teachings of the applied prior art results from a review of Applicant's disclosure and the application of impermissible hindsight.

Furthermore, with regard to the rejection claims 15, 17 and 20, under 35 U.S.C. § 103(a), neither Yamaguchi nor Friedson disclose an elevator, repeatedly raised and lower during operation of the drive mechanism, to provide compound motion to the

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seat. The Examiner cites to elements 168-170 of Yamaguchi as purportedly disclosing the aforementioned feature. However, the most Yamaguchi discloses is three guide rods for transmitting loading applied vertically through the saddle to a saddle load sensor. There is no disclosure of an elevator, repeatedly raised and lowered during operation of the drive mechanism, to provide compound motion to the seat.

Thus, even assuming, arguendo, that the teachings of Yamaguchi and Friedson can be properly combined, the asserted combination of Yamaguchi and Friedson would not result in the disclosed embodiment as recited in the claims.

Claims 23 and 24, which recite that the expandable and contractible member is provided integrally with the balance practicing machine, have been newly added for consideration. No new matter is believed to be introduced by this claim addition. In this regard the Examiner's attention is, inter alia, directed to Fig. 1 of Applicants' application.

Independent claims 1 and 18 are now in condition for allowance in view of the amendments and the above-noted remarks, and claims 2-17 and 20-24 dependent thereon, respectively, are also submitted to be in condition for allowance in view of their dependence from the allowable base claims and also at least based upon their recitations of additional features of the present invention. It is respectfully requested, therefore, that the rejections under 35 U.S.C. 102(b) and 35 U.S.C. 103(a) be withdrawn and that an early indication of the allowance thereof be given.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based on prior art,

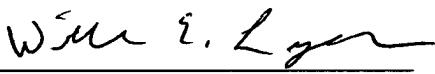
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should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to be attached thereto.

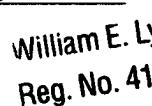
Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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